

Suspect in MON DEC 16 1985 school death surrenders

By Jim Greaver
The Tribune

A 17-year-old Oakland youth, sought for the Dec. 9 shooting death of 16-year-old Andre Gray at Oakland Technical High School, surrendered to police last night.

John Burris, the youth's attorney, said the teenager surrendered to authorities shortly after 8 p.m.

Since the suspect is a minor, his name will not be released. He was named on murder warrant signed by investigating officer Sgt. John Vargas. The youth was being held at Oak-

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land Police Department last night.

Sgt. Vargas questioned the youth last night and said he would be turned over to juvenile authorities on a charge of investigation of murder.

Witnesses had said the shooting was the result of an argument between Gray and a 17-year-old.

The suspect, according to witnesses, went to two friends who were holding a knapsack and pulled the gun from it. He opened fire on Gray from five feet away, witnesses said.

Police had been searching

for the youth since the shooting.

The shooting shocked students, teachers and administrators and prompted the school board to consider strengthening its disciplinary policy on handguns and instituting further safety provisions, including installing metal detectors on campuses.

Last year 30 Oakland students were expelled for bringing guns to school.

The Oakland Tech incident was blow to the school's efforts at improving its public image. The school building recently was given historical landmark status from the city council.

WED DEC 18 1985

Hearing set on trial status of Tech suspect

By John Lynn Smith
The Tribune

A 17-year-old youth charged with the shooting death of Oakland Technical High School student Andre Gray on Dec. 9 will be kept in custody until a Jan. 22 hearing to determine if he should stand trial as an adult.

With his mother, stepfather and other family members in the juvenile courtroom, the youth, whose name was withheld because he is a minor, sat quietly as Alameda County Juvenile Court Referee Carl Morris ordered him to undergo a behavioral study to determine whether he will be tried on murder charges as an adult or as a juvenile.

The behavioral study, to be conducted by the Alameda County Probation Department, will include an investigation into any prior criminal activity by the

youth, his academic background and his family relationship, as well as an investigation into the incident itself.

The determination could be crucial to the teenager's fate, if found guilty. Conviction on first-degree murder charges as an adult could bring a sentence of 25 years to life in state prison, while conviction as a juvenile could mean incarceration in the California Youth Authority up to age 26.

The charges stem from the shooting of Gray, 16, shortly after Gray apparently beat the accused youth in a fist fight before the start of third-period classes at Oakland Tech. The accused youth allegedly took a handgun from a nearby book bag and shot Gray in the back, then fired a second shot into Gray's chest.

It was the second shooting at an Oakland school this year and

the first killing at an Oakland school since 1983.

Defense attorney John Burris said he did not seek his client's release from juvenile hall yesterday because he said it was in the youth's "best interest (to remain incarcerated) until a complete investigation is performed."

"The minor is having some problems adjusting to this," said Burris, adding it is best now for his client not to be around his family and schoolmates.

"Emotionally, he has to deal with the concept of taking some other's life and that his own life will be changed," said Burris, adding that his client wishes he could return to the days before the shooting.

Burris also said he believes that given his client's lack of prior criminal history the youth will stand trial as a juvenile.

However, Deputy District Attorney Jon Thurston said his department will seek to try the youth as an adult and that he is sure "we can get first-degree murder as an adult."

Slaying suspect's cousin also charged in Tech shooting

THU JAN 9 1986

By Harry Harris
The Tribune

A second teenager has been arrested and charged in connection with last month's slaying of an Oakland Technical High School student, homicide investigators said yesterday.

Sgt. John Vargas said the suspect, a 16-year-old Castlemont High School student, has been charged with bringing a firearm on a school campus, a felony.

Although the youth's name could not be released, Vargas said he is a cousin of the 17-year-old youth who allegedly shot the Tech student to death last Dec. 9.

Andre Gray was shot to death in a crowded school hallway after he beat the 17-year-old in a fistfight for the second time in two weeks, police said. The 17-year-old reportedly pulled the gun from a knapsack the 16-year-old was carrying and shot Gray twice, police said. Both fled after the shooting.

The 17-year-old, who was also a student at Tech, surrendered to police on Dec. 15. He faces a

hearing in Alameda County juvenile court on Jan. 22 to determine if he will be tried as an adult.

Vargas said the 16-year-old's identity was learned in the course of the police investigation.

He said the 16-year-old came in for an interview last Friday accompanied by his attorney, Oliver Jones. He was allowed to go home pending a review of the case by the District Attorney's Office.

Once the district attorney made the decision to charge the youth Tuesday, he was surrendered by Jones, said Vargas, who praised the attorney's assistance.

Vargas said the 16-year-old told police he bought the gun for \$10 from someone on the street the Friday before the shooting. He said the youth told police he and his cousin were expecting a confrontation with Gray and brought the gun with them in case Gray or any of his friends were armed.

THU MAR 6 1986

Tech suspect to be tried as an adult

A 17-year-old Oakland Technical High School student will be tried as an adult for the killing of a fellow classmate, an Alameda County Juvenile Court referee ruled yesterday.

Referee Hilde Olds decided after a four-day hearing that Marc Anthony Shelby should be transferred to adult court to be tried on charges of murdering 16-year-old Andre Gray, who was shot twice in a crowded corridor at Oakland Tech on Dec. 9.

Shelby is scheduled to appear for arraignment in

Oakland Municipal Court tomorrow at 9 a.m. Conviction for murder as an adult could bring a sentence of 25 years to life. As a juvenile it would mean incarceration by the California Youth Authority until the age of 26.

According to police reports, Gray apparently had beaten Shelby in a fist fight before the start of third-period classes. Shelby allegedly then took a handgun from a nearby book bag, shot Gray in the back, then fired a second shot into Gray's chest.

IN BRIEF

WED MAR 12 1986

Not-guilty plea in high school slaying

A 17-year-old Oakland Technical High School student accused of shooting a classmate to death has pleaded not guilty to a charge of murder.

A juvenile court referee decided last week that the student, Marc Shelby, should be prosecuted as an adult. Shelby entered his plea to the charge Monday in Oakland Municipal Court.

The charge also includes enhancement clauses of being armed with a handgun and causing great bodily injury.

Judge Lewis P. May set March 20 for pretrial hearing.

Shelby is being held without bail.

Shelby is accused of the Dec. 9 shooting death of Andre Gray, 16, who was slain in a crowded hallway at Oakland Tech. The shooting followed a fist fight in the corridor in which Gray reportedly bested Shelby for the second time in two weeks, police said.

Shelby's 16-year-old cousin, who police said provided the gun Shelby used in the shooting, has already pleaded guilty to a charge of bringing a firearm on a school campus. He has been sentenced to the California Youth Authority.

WED APR 9 1986

Tech student to be tried for murder

A 17-year-old youth accused of shooting a classmate to death in a crowded hallway at Oakland Technical High School in December will stand trial for murder, a judge ruled yesterday.

Marc Shelby, who will be tried as an adult, faces arraignment in Alameda County Superior Court April 23. He is being held without bail.

Shelby is accused of shooting to death 16-year-old Andre Gray following a fistfight the pair had at the school Dec. 9.

The decision to have Shelby stand trial was made by Oakland Municipal Court Judge Carlos G. Ynostroza following a preliminary examination. During the hearing two witnesses testified they saw Shelby shoot Gray.

Violence at high schools may be issue in Oak

FRI JUL 17 1987

By Will Jones
The Tribune

Violence at Oakland high schools may become a key issue in the murder trial of a teenager accused of killing a student at Oakland Technical High School 19 months ago.

Attorney John Burris told an Alameda County Superior Court jury yesterday that Marc Anthony Shelby shot another student because he had been threatened by the victim and was in fear of violence at the school.

Burris is defending Shelby, now 19, on charges of killing 16-year-old Andre Gray in a hallway at Oakland Tech in North Oakland on Dec. 9, 1985.

Gray was shot twice — in the chest and back shoulder — as about 100 other students milled in the hallway between second and third period classes.

Shelby was a senior and Gray was a junior.

In his opening statement to the jury of five women and seven men, Burris said the case was more than a simple shooting of one student by another.

"Firearms were carried by students at Oakland Tech and other schools, and (Shelby) was trying to deal with the fear of violence, gangs and drug (activities) in the environs at Tech," Burris said.

"The issue is not what happened, but why it happened," he said.

But Deputy District Attorney Walter Jackson, who is seeking a first-degree murder conviction, said the shooting was a retaliatory act.

Jackson said Gray and Shelby were involved in fistfights on two occasions, with Gray win-

'The issue is not what happened, but why it happened.'

— Attorney John Burris

ning both.

He said the first fight occurred on Dec. 2 in the second-floor hallway, but was broken up by a teacher and other students.

Both Gray and Shelby were suspended, Gray for two days and Shelby for three days, according to Burris.

The two students encountered each other again on Dec. 9 and fought again in the hallway between class periods.

After that fight was broken up, Shelby grabbed a gun from a

6-year-old cousin's knapsack and fired two shots at Gray, Jackson said.

One of Jackson's witnesses, as the trial started before Superior Court Judge Joseph Karesh in Oakland, was then-student James T. Milhouse.

Milhouse, who said he was a close friend of Gray's, testified that the first altercation between the two students began after Shelby asked to be excused from an English class. Shortly after Shelby left the classroom, he and

Land Tech murder trial

Gray began fighting, Milhouse said.

He said when the second fight started, about 100 students were in the hallway, many of them crowded around the two combatants.

Milhouse said the fight was broken up, and Gray walked away. Shelby walked over to another person, made his way back through the crowd to Gray and fired two quick shots as students scattered.

Gray died about an hour later at Children's Hospital in Oakland.

Burris said the dispute between Gray and Shelby started when Gray yelled at Shelby from a car on Dec. 2.

He said when Shelby arrived at school, he approached Gray to find out why Gray had shouted at him, and the two began fighting.

Burris, who said Shelby should only be found guilty of manslaughter, contended that Gray smashed Shelby in the nose as others held Shelby.

The attorney told the jury Shelby still wanted to settle the dispute peacefully, but that he was threatened again by Gray.

Burris said Shelby's cousin, a Castlemont High School student, took the gun to school in case Gray and his friends joined in to attack Shelby.

The attorney said that although there was no evidence that Gray was a member of a gang, he was associated with gang members.

Pathologist Sharon Van Meter, who performed an autopsy on Gray, testified that Gray had used cocaine between three days and 12 hours before the shooting.

The trial resumes Monday.

Youth tells how cousin shot student dead

By Will Jones
The Tribune

TUE JUL 21 1987

After an Oakland Technical High School student fell to the floor from a bullet wound in the back, his assailant fired a second shot into his chest, a former student told a jury yesterday.

Theodore Collins, 20, testified that Marc Anthony Shelby first shot 16-year-old Andre Gray as he was walking down a crowded hallway at Oakland Tech on Dec. 9, 1985.

Collins told the Alameda County Superior Court jury in Oakland that Shelby then walked within inches of Gray and fired a second shot as the victim laid on the floor screaming for help.

Shelby, 19, is on trial before Superior Court Judge Joseph Karesh on charges of murdering Gray in the second-floor hallway of the school at 4351 Broadway.

Collins, who was not a student at the time of the shooting, told the jury that he met Shelby and the defendant's 16-year-old cousin in East Oakland on the day of the tragedy.

He said Shelby told him he was on his way to Tech to "settle the dispute once and for all" between himself and Gray.

Previous testimony in the 2-day-old trial

Collins told the court that Shelby then walked within inches of Gray and fired a second shot as the victim laid on the floor screaming for help.

indicated that Shelby and Gray, both Oakland Tech students then, had been involved in fistfights on two occasions before the fatal shooting.

Collins said he decided to accompany Shelby and his cousin to the school to help Shelby in case Gray's friends interfered in the fight.

The 16-year-old cousin, who was a Castlemont High School student, also packed a .38-caliber handgun in a backpack in the event Gray or his friends were armed, Collins said.

The three boarded an AC Transit bus and rode within three or four blocks of Oakland Tech in North Oakland.

student dead

Collins said they waited until near the end of the second-period classes before entering the school in order for Shelby to approach Gray between classes.

The two students started fighting outside a classroom, but other students stepped in and pulled the two apart.

Collins said when Gray was released, he struck Shelby several times, giving him a bloody nose.

Gray then started walking away rapidly, shouting "give me my s---," Collins said.

He said Shelby assumed Gray was going for a gun.

Collins said Shelby then went back to his cousin, grabbed the gun from the backpack and fired at Gray.

Deputy District Attorney Walter Jackson, who completed his case yesterday after calling three former students as witnesses, is seeking a first-degree murder conviction for Shelby, who was 17 at the time of the shooting.

But Shelby's attorney, John Burris, who will begin presenting witnesses today, said Shelby should only be found guilty of manslaughter.

Oakland teen testifies he killed classmate out of fear for his life

WED JUL 22 1987

By Will Jones
The Tribune

A teenager testified yesterday that he fatally shot a fellow student at Oakland Technical High School out of fear for his own life.

Marc Anthony Shelby, testifying at his murder trial in Alameda County Superior Court, said he had been taunted, threatened and beaten by Andre Gray before he shot him.

Shelby said he became dazed after firing two shots at Gray in the crowded second-floor hallway at Oakland Tech in North Oakland on Dec. 9, 1985.

"I just went bang, bang," Shelby said in describing the shots. "I didn't realize what had happened."

"I felt like something had left me. I was lost," he said in response to questions from his attorney, John Burris. "I was more than scared . . . I was hurt."

Although Gray and Shelby were students at Oakland Tech, Shelby said his first encounter with Gray occurred a week before the shooting when Gray taunted him from a passing car as he walked to school.

Shelby said when he arrived at school, he met Gray in the hallway and attempted to find out why Gray had shouted at him.

The two, however, got into a fistfight that was broken up by other students.

Shelby said that Gray struck him repeatedly in the face while he was being held by others and that Gray threatened to kill him.

Both students were suspended, Shelby for three days and Gray for two. Shelby was a 17-year-old senior and Gray a 16-year-old junior.

Shelby said he was afraid to return to school alone after that

because of reports that Gray and his friends were armed and would attack him again.

On the day of the shooting, Shelby said, he decided to return to school, accompanied by his 16-year-old cousin, Ronald Jamal Shelby, and another teenager. (A headline in yesterday's Tribune incorrectly indicated that Theodore Collins, who testified Monday, was Shelby's cousin.)

Shelby told the jury that he wanted to discuss the previous confrontations with Gray, but had no intention of fighting or shooting the victim.

"We decided to meet the problem head-on by talking to Andre face-to-face, rather than just let (it) resolve itself," he said.

Shelby admitted, however, that his cousin took along a .38-caliber gun in case Gray's friends interfered in his attempt to settle the dispute.

He said he encountered Gray at his locker on the second floor and attempted to talk to him.

But Gray, Shelby said, brushed him aside with a warning, "You are going to be had."

Shelby said he grabbed his opponent on the shoulder in an attempt to talk to him, which led to the second fight.

He said before the struggle was broken up by others, he felt something hard on Gray, which he thought was a weapon.

He also assumed Gray was armed when he reached into a backpack, shouting "give me my s---," Shelby said. It was later learned that Gray was carrying a beeper.

At that point, Shelby said, he yelled for his cousin to give him the gun. He said the 16-year-old resisted, but he grabbed it and shot Gray.

Friends tell court student who shot classmate was non-violent person

By Will Jones
The Tribune

Marc Anthony Shelby was a mild-mannered, non-violent person before he fatally shot a fellow student at an Oakland high school 19 months ago, several defense witnesses said yesterday.

Defense attorney John Burris called four of Shelby's friends and former classmates to bolster his contention that Shelby shot Andre Gray because of his fear of a climate of violence at Oakland Technical High School.

Shelby, 19, is accused of murdering 16-year-old Gray in the second-floor hallway of the North Oakland school Dec. 9, 1985 after the two had fought twice.

He has testified that he had only intended to talk to Gray to settle their dispute, but that he shot the victim because he thought Gray was reaching for a gun after the last fight.

Shelby said he used a .38-caliber revolver his cousin had brought to school in case Gray's friend join the dispute with weapons.

One former student, Sean Cribbs, testified yesterday that he had seen other students carrying guns in their backpacks at Oakland Tech, including one person who was armed with an Uzi weapon.

Three others said they had never known Shelby to be involved in any previous violent activities.

Theotis Ganner, a former Tech student and next-door neighbor of Shelby, said after the first fight a week earlier he warned Shelby that Gray had a violent reputation.

But under cross-examination by prosecutor Walter Jackson, Ganner admitted that he didn't know Gray personally.

Former students Sandra McKay and David Neal also testi-

fied that Shelby had a reputation as a peaceful, non-violent person.

McKay, who said she and Shelby lived in the same apartment building, said Shelby came to their apartment early the morning of the shooting and asked for her brother, who was a security guard.

When she told him her brother was not home, she said Shelby asked her to walk to school with him because he was afraid to go alone. But McKay said she wasn't ready for school.

Shelby testified that he wanted the security guard to accompany him for protection from further attacks or harassment by Gray.

After failing to find anyone to go to school with him, Shelby said he went to his grandmother's house in East Oakland where he met his cousin and another teenager, who accompanied him to Oakland Tech.

Slain student's mother collapses in court

FRI JUL 24 1987
By Will Jones
The Tribune

The mother of a student shot to death at an Oakland high school 19 months ago burst into tears and collapsed yesterday as a witness described her son's death.

Charlotte Armstrong's emotional outburst occurred during the murder trial of Marc Anthony Shelby, 19, accused of fatally shooting Armstrong's 16-year-old son, Andre Gray. Gray was killed in the second-floor hallway at Oakland Technical High School on Dec. 9, 1985.

Armstrong was taken by ambulance to Merritt Hospital in Oakland where she underwent a series of tests.

A spokesman for the hospital said she was in stable condition late yesterday.

Prosecutor Walter Jackson set the stage for Marc Shelby's cousin, Ronald Shelby's dramatic testimony, when he asked him to describe what he saw while Gray was lying on the floor.

"I saw his eyes close like he was going to sleep," 18-year-old Ronald Shelby responded.

Ronald Shelby, who was called as a witness by defense attorney John Burris, admitted that he owned the gun his cousin used to shoot Gray.

He said Marc Shelby met him at their grandmother's East Oakland home on the day of the shooting and told him that he had a fight with Gray a week earlier.

Marc Shelby appeared nervous, but said he wanted to return to Oakland Tech to talk to Gray about resolving their dispute, Ronald Shelby testified.

He said he volunteered to go to Oakland Tech with his cousin, who was a senior at the school, to "make him feel more comfortable" when he approached Gray.

Despite a protest by his cousin, Ronald Shelby said he decided to take along the .38-caliber handgun he had purchased for \$10 about four days earlier "to protect his family's home against burglars."

He said they picked up another teenager, Theodore Collins, on the way to school.

Shortly after they arrived at the North Oakland campus, he heard a commotion in the hallway, Ronald Shelby said.

He couldn't see what was occurring because the hallway was crowded, but assumed Gray and his cousin were fighting, he said.

Ronald Shelby said he then took the gun out of his backpack and stuck it in the waistband of his pants because he was "afraid" that it would be discovered by school officials.

After the fight between Gray and Marc Shelby was broken up, Ronald Shelby said his cousin ran over to him saying, "Give me the gun, give me the gun."

He said he urged Marc Shelby to leave then, but he grabbed the gun and fired two shots at Gray.

Ronald Shelby, who was 16 at the time, was convicted of possessing a gun at a school and sentenced to a year in a juvenile facility. He has completed the sentence.

After Armstrong collapsed, Marc Shelby's mother, Paula Shelby, said both families are suffering from the tragic shooting.

"I hope she's (Armstrong) is OK," Paula Shelby said. She said she has wanted to express her

sympathy to Gray's family since the shooting, but was afraid.

She said her son was also "very upset" when Armstrong began crying. "He asked to be taken from the courtroom immediately," she said.

"He was not brought up like a street kid and if they hadn't had that gun this probably wouldn't have happened."

Alameda County Superior Court Judge Joseph Karesh recessed the trial until Monday.

Jury holds fate of Oakland teen accused of classmate's murder

WED JUL 29 1987

By Will Jones
The Tribune

The fate of a 19-year-old former Oakland Technical High School student who fatally wounded a classmate is in the hands of an Alameda County Superior Court jury.

The jury will begin deliberating today whether Marc Anthony Shelby is guilty of first-degree murder or a lesser crime for killing Andre Gray in a second-floor hallway at Oakland Tech on Dec. 9, 1985.

In final arguments yesterday, Prosecutor Walter Jackson and defense attorney John Burris agreed that Shelby was responsible for Gray's death.

But the attorneys disagreed on who was the aggressor in a weekendlong feud that led to the shooting.

Jackson argued that Shelby deliberately planned the shooting, while Burris contended that he acted out of fear for his life.

Jackson urged the jury of five women and seven men to convict Shelby of first-degree murder, which could bring him a sentence of 25 years to life in prison.

But Burris said Shelby killed Gray in a "heat of passion" following a quarrel and asked the jury to acquit Shelby of the crime and find the killing justifiable homicide or return a verdict of voluntary manslaughter.

"This is not a whodunit case," Jackson said. "Everybody knows Marc Shelby killed Andre Gray."

He said Shelby went to Oakland Tech looking for Gray with the intention of killing him to avenge an earlier fight.

Shelby encountered Gray in the hallway between second and third period classes and they fought, Jackson said.

The fight was broken up by other students and Gray walked away, the prosecutor said.

But Shelby grabbed a gun from his cousin, Ronald Shelby, and shot Gray twice, in the back and chest.

"After the first shot, he didn't say 'Oh my God, look what I did,'" Jackson told the jury. "He shot a second time while Andre was on the floor."

Jackson also attacked Burris' contention that Gray was a bully who threatened Shelby.

"The defense will try to convince you that Gray was a bad guy who got what he deserved," Jackson said. "But that's a smoke screen."

"Gray didn't provoke the fights, nor did he carry a gun to school that day," the prosecutor argued. "Shelby started the fights and his cousin took the gun to school."

But Burris called Gray the aggressor who had a reputation of bullying other people.

The attorney said Gray was associated with gang members and had threatened to kill Shelby.

He said Gray started the feud a week earlier by taunting Shelby as he walked to school. The two fought in the hallway that day.

Burris said Shelby shot Gray within 30 seconds of the second fight because he thought Gray was armed and would shoot him first.

The first and second shots were no more than two seconds apart, which didn't give Shelby time to "cool down" and consider his action, Burris said.

Jury convicts teen of manslaughter in slaying

By Will Jones TUE AUG 4 1987
The Tribune

A teenager was convicted yesterday of voluntary manslaughter in the shooting death of a fellow student at Oakland Technical High School.

The Alameda County Superior Court jury returned the verdict against Marc Antony Shelby, who was charged with the fatal shooting of 16-year-old Andre Gray on Dec. 9, 1985.

Shelby was a senior at the school at the time and Gray was a junior.

Shelby is scheduled to return to court on Sept. 4 when Judge Joseph Karesh

will send him to the California Youth Authority for an evaluation and recommendation on whether he should be sentenced to an adult prison or a juvenile detention facility.

The 19-year-old Shelby, who was 17 at the time of the shooting, faces a sentence of six to 13 years if he is sentenced as an adult.

If juvenile authorities determine that he is eligible for a CYA facility, he can only be confined until the age of 25.

According to the prosecution's case, Shelby shot Gray twice after other students broke up a fight between them in a second-floor hallway.

The verdict was a stunning defeat for prosecutor Walter Jackson, who had urged the jury to find him guilty of first-degree murder.

About 100 students were roaming the hallway between second and third period classes when the shooting oc-

curred.

Prosecutor Walter Jackson presented evidence he said showed that Shelby planned the shooting to avenge a fight between the two students in the same hallway a week earlier.

Jackson said after a second fight was broken up by other students, Shelby grabbed a gun from his 16-year-old cousin and shot Gray in the back, then fired a second shot into Gray's chest.

The defendant's attorney, John Burris, argued that Shelby shot Gray out of fear for his own life.

Burris' evidence indicated that Gray started a weeklong feud by taunting

classmate

Shelby as he walked to class on Dec. 2.

The two fought in the hallway later that day, but after that fight was broken up by a teacher and other students, Gray threatened to kill Shelby, according to Burris.

Shelby, who testified on his own behalf during the two-week trial, said he went to the school on the day of the shooting with the intention of talking to Gray to settle their dispute.

Shelby admitted that his cousin took along a .38-caliber revolver to protect

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... case Gray was armed or if Gray's friends interfered.

Yesterday's verdict was a stunning defeat for prosecutor Jackson, who had urged the jury to find Shelby guilty of first-degree murder. A disappointed Jackson said Shelby should have been convicted of at least second-degree murder.

"In the 18 homicide cases I've prosecuted, I've never been hurt by a jury's verdict before," Jackson said.

"I'm physically affected by this verdict," he added. "I didn't expect it, but I feared it."

The prosecutor believed the jury was reluctant to convict Shelby of the more serious crime of first- or second-degree murder because of his age.

Burris said it was a "just verdict" because Shelby didn't intend to kill Gray.

He said Shelby was threatened by Gray, who the attorney called a "bully," and believed he had no choice but to protect himself.

"Perhaps it's an indictment of the school system that failed to protect people like Marc Shelby when they are confronted by people who threaten them," Burris said.

One of the jurors, Karen Caporali, said the jury ruled out first-degree murder in the early stages of deliberation, which began Wednesday.

"It (the verdict) was a fine line between second-degree murder and manslaughter," she said. "It was a tough decision, but we finally decided it was a 'heat of passion' killing."

After the verdict was announced, Burris said Shelby expressed sorrow for the victim and his family.

"He's going through an internal struggle," Burris said. "At times he wished (the shooting) had gone the other way."

Gray's mother, Charlotte Armstrong, who collapsed in the courtroom near the end of the trial, also criticized the verdict.

She said Shelby deserved a second-degree murder conviction, "if not a first-degree."